

★ DEC 28 2021 ★

BROOKLYN OFFICE

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UNITED STATES COURT OF FOR
EASTERN DISTRICT OF NEW YORK



ELIZABETH COMBIER,

Case No.: 17-cv-02239
PRE-TRIAL CONFERENCE REQUEST

Plaintiff/Defendant,

vs.

Mr. Harlow, Mr. Glass, NYC DOE, Carmen
Farina, and Francesco Portelos

V

Lucio Celli
Defendant/Counterclaimant

Dear Judge Matsumoto:

In accordance with Your Honor's rules and practices, I request a pre-trial conference to discuss the issues raise in the motions on the docket already. Your Honor ordered that I must adhere to rule III B, which requires lawyers to submit a letter showing the basis of the supposed motion. If I may remind Your Honor, your rules and practices dispense with these requirements if litigants are pro se, like Betsy and myself.

I. Outline for the purported motion

- 1. Extrinsic Fraud:** Judge Brodie knew that she was influenced by Sen. Schumer because Randi Weingarten is like a sister to him.¹

¹ In *Us v. Throkmorton*, 98 US 61 (1878), the Court explained what constitutes "extrinsic fraud upon the court." The Court recognized that relief could be granted for "fraud, extrinsic or collateral, to the matter tried by the first court, *Id.*" Such as "where the defendant never had knowledge of the suit, being kept in ignorance by the plaintiff; or where an attorney fraudulently or without authority assumes to represent a party and convinces at his defeat.

1 a. Judge Brodie denied me the opportunity to develop all my claims, which is a due
2 process issue

3 b. Judge Brodie allowed Betsy to rewrite her complaint three times and the said
4 judge did not provide or offer me with one additional attempt to revise my
5 counterclaim, at least and to show that she was not bias, which is a due process
6 issue, I believe, to void Judge Brodie's original decision—but, Your Honor will
7 tell me what you feel and believe.

8 2. As in **Tumy v. Ohio**, I assume that Randi Weingarten paid Judge Brodie (Schumer
9 judge) to ignore facts and rules of law in this case because Betsy has an audio recording
10 of Randi paying Judge Marrero (Schumer judge) to ignore facts and switch facts around.

11 a. The document will show Your Honor because I told the AUSAs and they could
12 not believe...just saying and I never mentioned Betsy, Randi, Marrero, or
13 Schumer to any AUSA that I spoke

14 3. Transfer the pending defamation case to federal court because 90% of the
15 paragraphs/facts are taken from this case and is clearly a continuation of this lawsuit.

16 a. Index No. 156880/2021

17 b. New York Supreme Court

18 4. Betsy's use of her nonprofit to harass me to conspire with Randi Weingarten and Judge
19 Cogan

20 5. Betsy used her nonprofit foundation to deprive me of a fair trial

21 6. Betsy conspired with Susan Edelman to harass me in and out of court, especially in
22 newspaper

23 7. The motion that appears on the docket shows that Betsy misuses her nonprofit foundation
24 by having clients of her paralegal service pay into nonprofit foundation, which deals with
25 corruption of kids

26 a. The motion already outlines the misconduct

27 Id. The Court went on to say: [i]n all these cases, and many others which have been examined, relief has been
28 granted, on the ground that, by some fraud practiced directly upon the party seeking relief against the judgment or
decree, that party has been prevented from presenting all his case to the court.

1 b. The motion already states that I seek, in part, to have the AUSA collect taxes
2 from Betsy.

3 8. Essentially, I am looking to bring back to life my counterclaim under FRCP 60 (Fraud
4 Upon the court)²

5 9. Judge Brodie ignored the fact that Betsy used her husband's password at Hunter College³
6 and now I have information to show the court that her husband signed the tax return for
7 the nonprofit foundation that Betsy runs, so I believe there is a 42 USC § 1983 claim
8 and a RICO claim to add to this case or explore in a different case, which is based on new
9 facts.

10 a. The facts that would have come to light if Judge Brodie did not ignore my motion
11 for Betsy to produce tax returns for personal and business⁴

12 10. Then, there is the 42 USC § 1983 claim with Judge Cogan and Randi Weingarten for me
13 only

14 11. I spoke to one other defendant about bring a cause of action against illegal use of Betsy
15 nonprofit foundation, if Your Honor would allow it and it another reason we need to
16 appear before you

17 a. Now the AUSAs only informed me that "if those are the facts, then Betsy is
18 illegally using her foundation and not paying taxes"⁵

19 b. I did not get into David Kappel or how he allows his wife to use his password or
20 Mr. Kappel's status as a public employee

21 12. Obviously, I can bring a new suit if Your Honor does not believe what I presented is
22 enough to revive the original counterclaim

23 a. I believe that facts presented in this case, they can be raised under a RICO claim
24 with the newer facts—this is a question that Your Honor is not allowed to answer

25 ² Your Honor was not a neutral arbiter as required by the Due Process Clause
26 of the 5th and 14th Amendment. According to the 2d. Cir., "fraud on the court
27 will, most often, be found where the fraudulent scheme defrauds the "judicial
28 machinery" or is perpetrated by an officer of the court such that they cannot
29 perform its function as a neutral arbiter of justice. See *Martina Theatres*
30 *Corp. v. Schine Chain Theatres, Inc.*, 278 F.2d 789, 801 (2d. Cir. 1980)

31 ³ Which is one reason to bring a 42 USC § 1983 against Betsy and David Kappel

32 ⁴ Which is the way I worded prior to dismissal

33 ⁵ Facts presented in the motions before Your Honor and the reason for this letter

1 for me because of 28 USC §454,⁶ but I place it here, so that Your Honor with
2 Judge Engelmayer might figure out a way for me to do the research myself.
3
4

5 II. Briefing Scheduling

6 I need the court to know that I need time to write a brief and then submit any paper being
7 submitted to court for my lawyer's review, per Judge Engelmayer's order
8

- 9 1. My brief would be due by the end of January of 2022 or by February 14, 2022
- 10 2. Tentative: Betsy's rely would be on or around April 1, 2022⁷
- 11 3. My response to Betsy's answer would be due on or around May 15, 2022.

12 III. Pro Se Litigants

13 If I may remind Your Honor: **Procedures for *Pro Se* Litigants: In cases involving one or**
14 **more *pro se* litigants, the court may dispense with the requirement for a pre-motion**
15 **conference on a case-by-case basis. Accordingly, unless the case fits into an exception noted**
16 ***supra*, even in cases involving *pro se* litigants the parties shall follow the pre-motion**
17 **conference request procedure outlined *supra*.**

- 17 1. Betsy, Portelous, and I fit into the category of "pro se litigants"
- 18 2. I believe that there is a need to appear before Your Honor because a record needs to be
19 developed and Betsy needs to explain to the public, because nonprofit foundations fall
20 under public's domain/purview, how she is allowing her paralegal clients⁸ pay into her
21 nonprofit coffers.
- 22 3. According to papers filed with IRS, no one receives a paycheck

25 ⁶ It is a misdemeanor for a practice law while on the bench, but, according only to AUSAs of
26 ENDY and not others like AUSA Gold or AUSA Shaw, Judge Cogan was allowed to practice
27 law for his former clients the UFT and Randi Weingarten.

27 ⁷ I spoke to Mr. Mason, esq. and he will contact Ms. Combier if she agrees or not to the proposed scheduling. If she
28 does not agree, she or Mr. Mason will either contact me or the court.

28 ⁸ How the defendant in suit and defendants in the current suit are affecting her livelihood
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1 4. IRS told whatever is posted is posted because AUSAs are the one who told me that Betsy
2 could be filing 990-T form with her 990 forms to the IRS, BUT no document was ever
3 filed with IRS

4 IV. Recusal

5 Your Honor might have a conflict of interest because
6 you received my emails concerning this topic (I have an
7 automated response from Magistrate Bloom and others⁹) and this
8 would be couple by the fact that Sen. Schumer recommended
9 you, which I have an automated response from Sen. Schumer.

10 Your Honor has a clear conflict of interest in terms of
11 Sen. Schumer. I realize now that I waited for Judge Donnelly
12 and Judge Engelmayer to make decisions or take actions that
13 favored Randi Weingarten or Betsy Combier. I have an
14 automatic message from Sen. Schumer and my plan started on
12/11/17, which is prior to me emailing judges

15 **Please Take Notice**, I mentioned to Judge Engelmayer that
16 Judge Louderbach admitted that he fixed cases for Sen.
17 Shortbridge, which was during the judge's impeachment trial
18 and Judge Louderbach was not convicted, but it is the
19 appearance

20 **Please Take FURTHER Notice**, I have mentioned Sen. Schumer,
21 with 87 other senators, voted to convict Judge Porteous
22

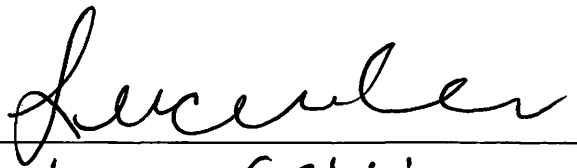
23 **Please Take EVEN further Notice**, I wanted to see how many of
24 Sen. Schumer judges, I would encounter and help Randi
25 Weingarten and Betsy Combier because Betsy played an audio
26
27

28 ⁹ I do not remember and I do not have access
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1 recording of Randi paying Judge Marrero, who is Sen. Schumer
2 judge¹⁰

3 Let's make it clear, it is in Your Honor's providence
4 to decide whether you will or not recusal yourself and why,
5 which I hope Your Honor addresses the appearance because no
6 other Schumer judge has done¹¹ and Mr. Geyh¹² said that the
7 public expects it. In addition, I know Your Honor will deny
8 it and then, it is my choice whether to submit a mandamus or
9 wait until the conclusion of the proceedings. However, Ms.
10 Doyle assures me that you are a nice judge¹³ and Mr. Hueston,
11 esq (and he's a lair) said that you have the patience of a
12 saint, like Judge Donnelly. I have experienced Judge Donnelly
13 and expect for a few times, I do agree with the lair Mr.
14 Hueston about Judge Donnelly.

15 Dated this 11th of December, 2021.
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Lucio Celi

24 ¹⁰ I only had a hunch while I was before Judge Broide and first started to email Judge Katzman
25 because of the audio recording

26 ¹¹ I received, at first, a lie about association and I even called, by insinuation, stupid and crazy
27 for suggesting that Sen. Schumer had anything to do with their judgeshipe

28 ¹² The judicial misconduct expert at Judge Porteous' trial

¹³ A defendant before Your Honor and she came to like you because Your Honor did what I told
her that her lawyer needed to do prior to pleading guilty and she said that you scolded the AUSA
and her lawyer.